THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 27302 of 2006

Oral order:

The petitioner, who is working as Production Assistant with the respondents, namely Prasar Bharati (Broadcasting Corporation of India) in their Doordarshan Kendra, Hyderabad, has filed this writ petition assailing the proceedings dated 04/11-02-2005, issued by the 3rd respondent, transferring the petitioner along with the post to Doordarshan Kendra, Port Blair, and the consequential proceedings dated 22.06.2006, issued by the 4th respondent, relieving the petitioner from Hyderabad to enable him to join at Doordarshan Kendra, Port Blair, as illegal and arbitrary.

The learned counsel for the petitioner submitted that for holding the post of Production Assistant, one should have fluency in the language of the local area as also knowledge of the culture and literature of the said area, and since the petitioner knows only Telugu and does not know the language that is spoken in Port Blair and also does not have knowledge of the culture and literature of the said area, he cannot be posted there. In support of this argument, he relied upon judgment of the apex Court dated 25.08.1989, passed in Writ Petition (S) No. 285 of 1989, wherein the apex Court restrained the respondent from transferring the petitioner therein to a place where there is no Hindi programmed. He submitted that as per the orders dated 18.09.1996 issued by the 3rd respondent, as a normal rule, a person with longest continuous stay at the station should be transferred first, and inasmuch as the petitioner is not the senior-most person in Hyderabad, he could not have been transferred. He further submitted that the transfer of the petitioner, does not fit in any of the grounds, prescribed in the transfer policy dated 21.07.1988, framed by the respondents. Hence, he prayed that the impugned transfer orders be set aside and the writ petition be allowed.

The respondents filed counter. The learned Standing Counsel for the respondents reiterating the counter averments and basing on the memorandum dated 28.03.2007, issued by the 3rd respondent on the basis of the judgment of the Supreme Court,

submitted that the petitioner has to first report at the transferred place and then make a representation, but the petitioner without reporting at the transferred place, has filed the present writ petition. He denied the contention of the petitioner that his transfer is not made on any of the grounds enumerated in the transfer policy dated 21.07.1998, and submitted that he was moved out of the present place, namely Hyderabad to Port Blair in the interest of the organization, and as such, no interference is called for with the transfer orders of the petitioner, and prayed for dismissal of the writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Prasar Bharati (Broadcasting Corporation of India).

Transfer is an incidence of service, and is made keeping in view the administrative exigencies, and the law is well settled that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India, normally does not interfere with matters of transfer, unless it is shown that the transfer orders is result of bias or has been made for extraneous reasons. Though the petitioner was transferred as far back as on 23.12.2005, vide orders of the

3rd respondent, and was relieved by consequential orders dated 22.06.2006, vide orders passed by the 4th respondent, the fact remains, the petitioner has not joined at the transferred place, and went on making one representations to the respondents for his retention at Hyderabad, which, however, were not considered.
Inasmuch as it is the case of the petitioner that he will face difficulty in working as Production Assistant in Port Blair as there is no Telugu programme, and having regard to the fact that in similar circumstances, the apex Court is said to have restrained the respondents from transferring a Hindi speaking person to a place where there is no Hindi programme, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is at liberty to make a detailed representation to the 2nd and 3rd respondents, bringing to their notice the order dated 25.08.1989, passed by the apex Court in Writ Petition (S)
No. 285 of 1989, and also expressing his difficulty in working at Port Blair because of the language problem, and if any such representation, is made the 2nd and 3rd respondent shall consider the same and pass appropriate orders thereon in accordance with the guidelines

governing the transfer policy as also the order of the Supreme Court, expeditiously.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 12th October, 2007.
KSR